

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IZMEHEL MARRERO, : 09 Civ. 7924 (VM)
:
Plaintiff, :
: CONDITIONAL
- against - :
: ORDER OF DISCONTINUANCE
THE CITY OF NEW YORK, et al., :
:
: WITHOUT PREJUDICE
:
Defendants. :
----- X
VICTOR MARRERO, United States District Judge.

Magistrate Judge Debra Freeman, to whom this matter was referred for settlement, having notified the Court, by memorandum dated June 30, 2010, a copy of which is attached, that the parties have reached an agreement in principle to resolve this action without further litigation, and do not object to the issuance of this Order, it is hereby

ORDERED, that this action be conditionally discontinued with prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket

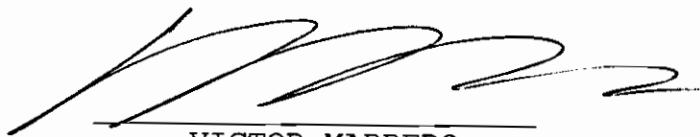
and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to terminate any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
2 July 2010



VICTOR MARRERO
U.S.D.J.

MEMORANDUM

JUL 2 - 2010

To: Hon. Victor Marrero, U.S.D.J.

From: Debra Freeman, U.S.M.J. *df*

Date: June 30, 2010

Re: *Marerro v. The City of New York, et al.*, 09 Civ. 07924 (VM) (DF)

You referred this case to me for settlement. I held a settlement conference yesterday and am pleased to inform you that the parties reached an agreement to resolve the action. Although the parties intend to memorialize their agreement in writing, they did place the material terms of their settlement on the record, and I informed them that I would recommend to you that the action be dismissed on that basis, with prejudice and without costs to any parties.

As the parties have reached a settlement, I am closing the reference.

cc: Ms. Dorothy Guranich